

REMARKS

Claims 1-18 are currently pending.

Roe in view of Lin

Claims 1-4, 6-12, 14-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe (USPN 5,635,191) in view of Lin (USPN 6,168,782).

The Office asserts Roe as a primary reference. Roe allegedly teaches a lotion composition that comprises: (1) an emollient(s); (2) an immobilizing agent(s) for the emollient; (3) optionally a hydrophilic surfactant(s); and (4) other optional components. See Column 10, lines 15-18.

Roe is clear that the "emollient is a material that softens, soothes, supplies, coats, lubricates, moisturizes or cleanses the skin." See Column 10, lines 34-36. Further, the lotion coating, and the emollient in particular, must be transferable to the wearer's skin. See Column 2, lines 46-50. The emollient "allows the lotion composition to impart a soft, lubricious, lotion-like feel." See Column 10, lines 41-42.

Thus, as an exemplary emollient, Roe teaches the use of a polysiloxane emollient. The polysiloxane emollient of Roe (allegedly) has "soothing, moisturizing, and lubricating" effects on the skin as the polysiloxane emollient of Roe is made of linear polysiloxanes and has the same structure of oil or cream. The purpose of the polysiloxane emollient of Roe is for it to be transferred to the user's skin.

And, as the Office admits, Roe does not teach or suggest a polysiloxane gel that is a structure in which polysiloxanes are cross-linked and form a three-dimensional network which is swollen in a hydrophobic substance, or a substance where the greater part is hydrophobic, and forms an oil gel.

The Office attempts to remedy this deficiency by alleging that one skilled in the art would have substituted the polysiloxane emollient of Roe with an elastomeric silicone of Lin. Applicants respectfully traverse this assertion.

One skilled in the art would not substitute the elastomeric silicon of Lin for the polysiloxane emollient of Roe.

The elastomeric silicone of Lin has a cross-linked three-dimensional network and functions as a relatively rigid structure for containing a hydrophobic structure comprising an additive. The additive is transferred to the skin, but the elastomeric silicone of Lin will stay on the absorbent article. Further, if any of the elastomeric

silicone of Lin were to be incidentally transferred to the user's skin, it will not have "soothing, moisturizing, and lubricating" effects on the skin.

The elastomeric silicone of Lin is substantially different in structure and effect from the polysiloxane emollient of Roe. The purpose of the polysiloxane emollient of Roe is to be transferred to the skin to then have "soothing, moisturizing, and lubricating" effects on the skin. The purpose of the elastomeric silicone of Lin is to not transfer to the skin and it does not have "soothing, moisturizing, and lubricating" effects on the skin. Thus, one skilled in the art would not be motivated to substitute the polysiloxane emollient of Roe with an elastomeric silicone of Lin.

Accordingly, the combination of Roe in view of Lin does not teach or suggest the presently claimed invention.

Accordingly, applicants respectfully request that the rejection of claims 1-4, 6-12, 14-16 and 18 as being unpatentable over Roe in view of Lin, be withdrawn.

Claims 5 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe in view of Lin and further in view of Runeman (USPN 6,187,990).

Claims 5 and 17 depend from claim 1 and are at least patentable for the reasons discussed above.

Runeman does not remedy the deficiencies of Roe in view of Lin. Applicants reserve the right to traverse the alleged combination of Runeman, Roe and Lin.

Accordingly, applicants respectfully request that the rejection of claims 5 and 17 be withdrawn.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roe in view of Lin and further in view of Muckenfuhs (USPN 4,934,535).

Claim 13 depends from claim 1 and is at least patentable for the reasons discussed above.

Muckenfuhs does not remedy the deficiencies of Roe in view of Lin. Applicants reserve the right to traverse the alleged combination of Muckenfuhs, Roe and Lin.

Accordingly, applicants respectfully request that the rejection of claim 13 be withdrawn.

Conclusion

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application or should the Office feel that a teleconference with the undersigned would be helpful in resolving any issues pertaining to this application, it is requested that the undersigned be contacted at the number indicated below.

Respectfully submitted,

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